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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/955,135

09/19/2001

Shinji Ohnishi

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06/30/2006

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EXAMINER

DUNN, MISHAWN N

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/955,135	Applicant(s) OHNISHI, SHINJI	
	Examiner Mishawn N. Dunn	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,11,12,16-18 and 26-49 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,11,16-18,26-29,31-37,39-45, and 47-49 is/are rejected.
- 7) ☒ Claim(s) 12,30,38 and 46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. The Examiner withdraws the rejection to claim 15 based on Applicant's cancellation of the claim.
2. The Examiner withdraws Iwata et al. (US Pat. No. 6,798,839) as prior art, noting that the earliest effective filing date is later than the present application's U.S. filing date.
3. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 42-47 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer program is merely a set of instructions capable of being executed by a computer, thus it is non-statutory subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

- a. A person shall be entitled to a patent unless –

Art Unit: 2621

b. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3, 5, 11, 16, 26-29, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Browne et al. (WO 92/22983).

7. Consider claim 1. Browne et al. teaches a reproducing apparatus (pg. 5, para. 3; fig.1) comprising: a reproduction unit adapted to reproduce one or more moving image data from a recording medium (pgs. 10-11; fig. 1); a control unit adapted to control said reproduction unit using program information indicating the reproducing procedure of the one or more moving image data (pgs. 18-19; fig. 3), wherein said control unit is adapted to delete one or more parts of the one or more moving image data using the program information (pgs. 18-19; fig. 3) and change the program information according to one of more non-deleted parts of the one or more moving image data after the one or more parts of the one or more moving image data are deleted (pg. 25, para. 1).

8. Consider claim 3. Browne et al. teaches an apparatus wherein the one or more parts of the one more moving image data deleted by said control unit are irrelevant to the program information (pgs. 18-19; fig. 3).

9. Consider claims 5. Browne et al. teaches an apparatus further comprising a recording unit adapted to record the program information changed by said control unit on the recording medium (pg. 25, para. 1).

10. Consider claim 11. Browne et al. teaches an apparatus wherein said control unit determines the one or more parts to be deleted from the one or more moving image data using the program information and a preparation date of said plural moving image files (pgs. 18-19; fig. 3).

Art Unit: 2621

11. Consider claim 16. Browne et al. teaches an apparatus wherein said reproduction unit reproduces the program information from the recording medium (fig. 6).
12. Method claims 26-29 and 31 are rejected for the same reasons as discussed in the corresponding apparatus claims above.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 18, 33-37, 39, 41-45, 47, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browne et al. (WO 92/22983) in view of Nagai et al. (US Pat. No. 6,795,092).
15. Consider claim 18. Browne et al. discloses all the stated limitations as stated above, except an apparatus wherein the moving image data are based on the SMIL format.

However, Nagai et al. teaches moving image data based on the SMIL format (col.12, lines 51-56).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to base the image data on the SMIL format, as a choice of design.

16. Consider claim 34. Browne et al. discloses all the stated limitations as stated above, except a storage medium storing program codes which, when executed, cause a computer to perform steps.

However, Nagai et al. teaches a storage medium storing program codes which, when executed, cause a computer to perform steps (col. 11, line 58 – col. 12, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, to modify Browne et al. in order to allow a reproducing apparatus to playback images more efficiently.

17. Consider claim 42. Browne et al. discloses all the stated limitations as stated above, except a computer program product for causing a computer to perform steps.

However, Nagai et al. a computer program product for causing a computer to perform steps (col. 11, line 58 – col. 12, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, to modify Browne et al. in order to allow a reproducing apparatus to playback images more efficiently.

18. Claims 33, 35-37, 39, 41, 43-45, 47, and 49 are rejected for the same reasons as discussed in the corresponding claims above.

Art Unit: 2621

19. Claims 17, 32, 40, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browne et al. (WO 92/22983) in view of Nagai et al. (US Pat. No. 6,795,092) in further view of Kim (US Pat. No. 5,778,139).

20. Consider claim 17. Browne et al. discloses all the stated limitations as stated above, except an apparatus wherein the moving image data conform to MPEG-2 TS format.

However, Kim teaches moving image data that conforms to MPEG-2 TS format (col. 7, lines 30-35fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to conform the image data to MPEG-2 TS format, in order to reduce the bandwidth.

21. Consider claims 40 and 48. Browne et al. and Nagai et al. disclose all the stated limitations as stated above, except an apparatus wherein the moving image data conform to MPEG-2 TS format.

However, Kim teaches moving image data that conforms to MPEG-2 TS format (col. 7, lines 30-35fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to conform the image data to MPEG-2 TS format, in order to reduce the bandwidth.

22. Method claim 32 is rejected for the same reason as discussed in the corresponding apparatus claim 17 above.

Allowable Subject Matter

23. Claims 12, 30, and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

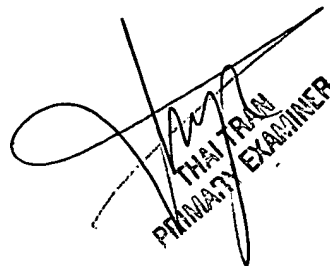
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mishawn Dunn
February 1, 2006



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PRIORITY EXAMINER